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Application of

Applicants : Basceri et al. ✓  
Serial No. : 09/904,112 ✓  
Filed : July 11, 2001 ✓  
Title : CAPACITOR WITH HIGH DIELECTRIC CONSTANT MATERIALS  
AND METHOD OF MAKING ✓  
Docket No. : MIO 0057 PA (98-1070)  
Examiner : J. Kennedy  
Art Unit : 2812

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on April 23, 2002.	
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### RESPONSE TO SPECIES ELECTION REQUIREMENT

This paper is submitted in response to the paper mailed April 9, 2002, notifying applicants that claims 1-106, all of the claims presently pending in the application, are subject to a restriction and species election requirement.

Applicants wish to affirm the election to prosecute the invention of Group I, claims 1-79 and 100-106. As understood, the Examiner identified five different "aspects" of the invention. Again, as understood, applicants are to elect a single species of the invention having one of the "aspects" from each numbered paragraph. Set forth below is the single disclosed species applicants wish to elect, without traverse, having the "aspects" as identified by the Examiner, along with an indication of the claims they believe to be readable on that species:

1. The high dielectric constant oxide dielectric material is amorphous when deposited (claims 6, 105)
2. The upper layer is oxidized using a gas plasma (claims 9-10; 43-44; 60-61)

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3. The second layer of the high dielectric constant oxide dielectric material is oxidized by rapid thermal oxidation (claims 22-24; 37-39; 57-59)
4. The second layer of the high dielectric constant oxide dielectric material is oxidized at a temperature less than 700 degrees Celsius (claims 4, 10, 18, 23, 38, 58)
5. The second layer of the high dielectric constant oxide dielectric material is tantalum pentoxide (claims 5-7; 28-39; 104-106)

Applicants note the Examiner's indication that claims 1, 8, 11, 12, 73-76 and 100 are generic. If held allowable, applicants will be entitled to examination of additional species on the merits. Accordingly, applicants respectfully request that the Examiner act on the merits of at least claims 1, 4-12, 18, 22-24, 28-39, 43-44, 57-61, 73-76, 100, and 104-106.

Respectfully submitted,

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